

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA

Case No. 3:13-cr-17-RLY-CMM-02

v.

EVERETT TARR

ORDER ON MOTION FOR
SENTENCE REDUCTION UNDER
18 U.S.C. § 3582(c)(1)(A)
(COMPASSIONATE RELEASE)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons for a reduction in sentence under 18 U.S.C. § 3582(c)(1)(A), and after considering the applicable factors provided in 18 U.S.C. § 3553(a) and the applicable policy statements issued by the Sentencing Commission, IT IS ORDERED that the motion is:

☐ DENIED.

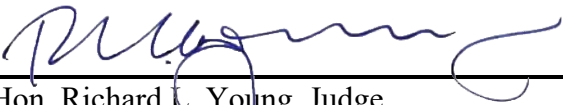
☒ DENIED WITHOUT PREJUDICE. Defendant filed a pro se letter that the Court construes as a Motion for Compassionate Release under 18 U.S.C. § 3582(c)(1)(A). In the motion, Defendant asks the Court to appoint counsel to represent him. On its face, Defendant's motion does not show that he is entitled to compassionate release under § 3582(c)(1)(A) or that the interests of justice support appointing counsel at this time. Also, to the extent Defendant is asking the Court to order the Bureau of Prisons ("BOP") to release him to home confinement, the Court cannot do so. Pursuant to statute, the location of a prisoner's confinement is the sole province of BOP, and its placement decisions are "not reviewable by any court." 18 U.S.C. § 3621(b). The Court therefore does not have the authority to order the BOP to release him to home confinement or to order the BOP to set a new date for his release to home confinement. *United States v. Council*, No. 1:14-CR-14-5, 2020 WL 3097461, at *7 (N.D. Ind. June 11, 2020); *United States v. Neeley*, No. 1:14-cr-00096, 2020 WL 1956126, at *2 (S.D. Ind. Apr. 23, 2020). Accordingly, his motion, dkt. [614], is **denied without prejudice**. If Defendant wishes to renew his motion, he may do so by

completing and returning the attached form motion. (Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(1)(A) (Compassionate Release) (Pro Se Prisoner)).

☐ OTHER:

IT IS SO ORDERED.

Dated: 11/23/2020



Hon. Richard L. Young, Judge
United States District Court
Southern District of Indiana

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